

DIVISION I. CHARTER AND RELATED LOCAL LAWS

Act No. 174 of the 2007 Georgia General Assembly, signed by the governor on May 18, 2007, enacted a new charter for the City of East Point. Sections of the charter subsequently amended carry a legislative history in parentheses at the end of the affected section(s) denoting the amending legislation. The previous charter of the city derived from Ga. L. 1972, p. 2151, as amended.

Division I of this code is a compilation of the city charter and related state laws of local application involving the city adopted by the Georgia General Assembly or adopted under home rule by the city along with state constitutional amendments of local application to the city. No state laws of general application are reprinted here but references to those laws are occasionally included in appropriate places. Local acts clearly superseded by general law have been excluded.

The material included in this division has been arranged by basic acts or according to subject matter. The title, enactment, severability, repealer, transitional, ratification, publication and effective date provisions have been omitted, and where a section has been amended or repealed by a later provision, only the current language has been printed. Any material in brackets has been added to clarify the meaning of the text. At the end of each section appears a reference to the basic act and amendatory acts, if any. The editor has added section numbers and catchlines to facilitate the use of this compilation and indexing; however, formal citations and references should be to the original act, and not to this compilation.

Included in this code is a State Laws of Local Application Disposition Table listing chronologically the laws in this division and their location in this code.

AN ACT

To provide a new charter for the City of East Point; to provide for reincorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city manager, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to such judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to restate a homestead exemption; to provide for other matters relative to the foregoing; to repeal a specific Act and amendments thereto; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

CHARTER AND RELATED LOCAL LAWS OF THE CITY OF EAST POINT, GEORGIA

BILL OF RIGHTS

This Bill of Rights is aspirational in nature. It incorporates guiding principles from the United States Constitution, as well as the Georgia Constitution. It reflects the beliefs, convictions, and goals of the citizens of East Point, the mayor, city council, city manager, and all departments of city government.

1. All persons are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another with respect.
2. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and to provide for the general welfare of the people.
3. The people have the right to a government responsive to their will and the right to take part in the governing of the city, either directly or through freely chosen representatives.
4. The people have the right to lawful and peaceful assembly, to petition the government for redress of grievances, and to equal access to public services.
5. The people have the right to life, liberty, and security of person; the right to live free from fear or violence; and the right to safe neighborhoods conducive to the enjoyment of liberty.
6. No law shall deprive any person of any rights, privileges, or immunities secured by the Constitution and laws of the United States or the State of Georgia, nor shall any law discriminate against any person because of race, color, gender, age, religion, marital status, national origin, disability, sexual orientation, culture, language, or political affiliation.
7. The people have the right to freedom of opinion and expression. No law shall restrain freedom of speech or freedom of press.
8. The people have the right to freedom of thought, conscience, and religion. No law shall be enacted respecting an establishment of religion.
9. The people have the right to a government of the highest ethical standards, free from corruption, untainted by graft, and conducted in accordance with sound fiscal planning and administration.
10. The natural resources of the city and the healthful, scenic, historic, and aesthetic quality of the municipal environment shall be protected, conserved, and replenished insofar as possible consistent with the health, safety, and welfare of the people.
11. This Bill of Rights shall not create any enforceable rights, duties, obligations, or causes of action under this charter beyond those guaranteed by the Constitution of the United States or the Constitution of the State of Georgia.

ARTICLE I. REINCORPORATION, BOUNDARIES, AND POWERS

Sec. 1-101. Reincorporation.

By enactment of this charter, the City of East Point shall be reincorporated and shall continue as a body politic and corporate of the State of Georgia. The city shall have perpetual duration and shall be vested with all authority, rights, powers, jurisdiction, privileges, exemptions, and immunities conferred by law and shall have all duties, obligations, and liabilities imposed by law.

Sec. 1-102. Boundaries.

- (a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter, with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city shall at all times be shown on a map and set forth in a written legal description, both of which shall be maintained permanently in the office of the city clerk and shall be designated as: "Official Map and Official Legal Description of the corporate limits of the City of East Point, Georgia." Copies of such map and legal description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as the original official map and legal description.
- (b) The city council may provide for the redrawing of such map and the amendment of such legal description by ordinance to reflect lawful changes in the corporate boundaries of the city. A map which is redrawn or a legal description which is amended pursuant to city council ordinance shall supersede for all purposes the map and legal description which it is designated to replace.

Sec. 1-103. Powers.

- (a) *Specific powers.* The city shall have the following specifically enumerated powers:
 - (1) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
 - (2) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purpose authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
 - (3) *Attracting commerce and industry.* To make appropriations and authorize the expenditure of money in advertising and public relations for the purpose of causing commerce and industry to locate and to remain in the city;
 - (4) *Building regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
 - (5) *Business regulation and taxation.* To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;
 - (6) *Condemnation.* To condemn property, inside or outside the incorporated limits of the city, for present or future public use deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted;
 - (7) *Consolidation.* To transfer or consolidate functions of the city government to or with appropriate functions of the state, county, or other municipal government or to make use of such functions of the state, county, or other municipal government;

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- (8) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
 - (9) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
 - (10) *Environmental protection.* To protect and preserve the natural resources, environment, and vital areas of the city through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
 - (11) *Fire regulation.* To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
 - (12) *Garbage fees.* To levy, fix, assess, and collect garbage, refuse, trash collection and disposal, and other sanitary service charges, taxes, or fees for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefitting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such charges, taxes, or fees;
 - (13) *General health, safety, and welfare.* To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city; to provide for the enforcement of such standards; to adopt ordinances to protect the health, peace, safety, good order, dignity, and general welfare of the city and its inhabitants; and to prohibit and regulate conduct and activities within said city which, while not constituting an offense against the laws of this state, is deemed by the governing authority to be detrimental and offensive to the peace, good order, and dignity of the city and to the welfare and morals of its inhabitants;
 - (14) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
 - (15) *Health and sanitation.* To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
 - (16) *Indigent defense.* To contract with the office of the circuit public defender of the judicial circuit in which the city is located to provide defense counsel to indigent persons appearing before municipal courts in relation to alleged violations of municipal ordinances, county ordinances, or state law;
 - (17) *Intergovernmental cooperation.* To cooperate or join by contract or otherwise with other cities, counties, the state or nation, or other governmental bodies, singly or jointly, or in districts or associations for promoting or carrying out any of the powers of the city or any of the purposes or objects authorized by this charter;
 - (18) *Jail sentences.* To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
 - (19) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city; to provide by

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- ordinance for the city police to impound motor vehicles and other personal property which they have lawfully seized after such vehicles have been stolen, lost, wrecked, abandoned, or wrongfully left upon streets or public or private parking lots, areas, drives, or elsewhere in the city without authority or permission of the owner; and to provide by ordinance for the sale and disposition of such property;
- (20) *Municipal agencies.* To create, alter, or abolish departments, boards, offices, commissions, and authorities of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all powers conferred upon or delegated to the same;
 - (21) *Municipal associations.* To become a member of and pay dues to the Georgia Municipal Association and the National League of Cities and in such other state, regional, or national municipal associations as to which the city would qualify as a member, and to permit officers and employees of the city to attend meetings, conferences, seminars, and conventions of such associations at city expense;
 - (22) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
 - (23) *Municipal property ownership.* To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
 - (24) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;
 - (25) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;
 - (26) *Nuisance.* To define a nuisance and provide for its abatement whether on public or private property;
 - (27) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
 - (28) *Pensions.* To provide and maintain a system of pensions and retirement for city officials and employees, as provided by the laws of the State of Georgia;
 - (29) *Planning and zoning.* To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
 - (30) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;
 - (31) *Public hazards: removal.* To provide for the destruction and removal of any building or other structure that is or may become dangerous or detrimental to the public;
 - (32) *Public housing.* To exercise the power and to provide services in the area of public housing; to make appropriations and to authorize expenditure of funds for such purposes; and to provide a definition of public housing;
 - (33) *Public improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking

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- facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities and to provide any other public improvements;
- (34) *Public peace.* To provide for the prevention and punishment of drunkenness, riots, and public disturbances;
- (35) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
- (36) *Public utilities and services.* To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the public service commission;
- (37) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;
- (38) *Retirement.* To provide and maintain a retirement plan for officers and employees of the city;
- (39) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- (40) *Sewer fees.* To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;
- (41) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials; and to provide for the sale of such items;
- (42) *Special areas of public regulation.* To regulate or prohibit junk dealers; pawn shops; the manufacture, sale, or transportation of intoxicating liquors; and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; and to regulate and control the conduct of peddlers and itinerant traders; and to provide lawful time, manner, and location regulation of theatrical performances, exhibitions, and shows;
- (43) *Special assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (44) *Special tax districts.* To provide by ordinance for the creation of one or more taxing districts whereby ad valorem taxes shall be assessed, levied, and collected by the city in accordance with the kind, character, type, and degree of services provided by the city within said taxing districts; to provide by ordinance that the rate of ad valorem taxation may vary in one district from that in another district or

districts; and to provide by ordinance that the authority, duties, liabilities, and functions of the city may vary from tax district to tax district;

- (45) *Taxes: ad valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
 - (46) *Taxes: other.* To levy and collect such other taxes as may be allowed now or in the future by law;
 - (47) *taxicabs and vehicles for hire.* To regulate and license taxicabs and other vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles; and
 - (48) *Urban redevelopment.* To organize and operate urban redevelopment programs.
- (b) *General powers.* In addition to all powers specifically enumerated and granted in this charter, the city shall be vested with any and all powers which municipal corporations are or may hereafter be authorized to exercise under the constitution and laws of the State of Georgia as fully and completely as though such powers were specifically enumerated in this charter. The city shall have all powers of self-government not otherwise prohibited by this charter or by general law. The powers of the city shall be construed liberally in favor of the city, and the specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

ARTICLE II. GOVERNANCE

CHAPTER 1. CITY COUNCIL AND MAYOR

Sec. 2-101. City council.

All legislative powers and authority of the city shall be vested in a city council to be composed of a mayor and eight councilmembers. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter. The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

Sec. 2-102. Mayor.

- (a) The mayor shall serve as the chief spokesperson for the city and chief advocate of formally approved and adopted city policy. In addition, the mayor shall preside at all meetings of the city council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall sign ordinances and resolutions only on their passage; shall sign deeds, bonds, contracts, and other instruments approved by the city council as required by law; and shall appoint city council committees and such other committees subject to city council approval and as provided by law. The mayor shall serve the city in a part-time capacity. Unless otherwise expressly provided by law or this Charter, the mayor shall have no vote on any question before the city council except in case of a tie.
- (b) The mayor shall have power to veto any action of the city council except its appointment, suspension, and termination of officers and employees and except in an impeachment resolution against the mayor or a resolution of removal of the mayor; and no act shall take effect over such veto unless subsequently passed by the affirmative vote of at least five councilmembers on a yea-and-nay vote duly recorded in the minutes of the city council at the next regular meeting, and said measure shall not again be considered or acted upon

within less than 90 days with unanimous consent of all councilmembers who are present, except in case of a substantial change of condition material to the subject matter of such measure and unless disapproved by the mayor's veto filed in writing with the city clerk by the conclusion of the third day after the date such action was taken, with the reasons for withholding the mayor's assent, which shall take effect as if signed and approved by the mayor, but if the mayor approves it, the measure shall go into effect immediately upon such approval; unless affirmatively asserted by the mayor, his approval shall be assumed; in the event of a veto, such action shall stand disapproved until and unless such measure shall again be passed as aforesaid by affirmative vote of at least five councilmembers.

Sec. 2-103. Mayor pro tempore.

The city council shall, in January of each year, elect one of its members as mayor pro tempore for that year. Such member shall discharge the duties and exercise the powers and authority of mayor in the absence, disability, or disqualification of the mayor and during a vacancy in the office of mayor, provided that his or her rights and duties as a councilmember shall remain unimpaired; except that he or she shall not receive the salary and expense of a councilmember while receiving the salary and expense of mayor; nor shall appointment authority vest with the mayor pro tempore unless there is a vacancy in the office of mayor.

Sec. 2-104. Qualifications of mayor and councilmembers.

- (a) No person shall be eligible to hold the office of mayor unless such person:
 - (1) Is at least 21 years of age at the time of being sworn into office;
 - (2) Is a registered voter of the city; and
 - (3) Has continuously resided and maintained his or her domicile in the city for at least one year immediately preceding his or her election as mayor of the city.
- (b) No one shall hold the office of councilmember unless such person:
 - (1) Is at least 21 years of age at the time of being sworn into office;
 - (2) Is a registered voter of the city;
 - (3) Is a resident in one of the four specified wards for an at-large district
 - (4) Has continuously resided in and maintained his or her domicile in the city for at least one year immediately preceding his or her election as a councilmember in the city; and
 - (5) Has been a resident within the ward to which such councilmember was elected for a period of six months prior to qualifying.

Each councilmember must reside in the ward to which that member was elected during that member's entire term of office.

- (c) Every individual who has been elected to a first term as mayor or councilmember of the city shall attend the municipal training course required by Chapter 45 of Title 36 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted. Such newly elected official shall attend the first or second available offered course after being sworn into office. Failure to attend one of such municipal training courses shall be grounds for removal from office.

Sec. 2-105. Terms of mayor and councilmembers.

The mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and sworn into office. The terms of mayor and councilmembers shall commence on the first

Monday of January following their election; provided, however, that, in the case that a mayor or councilmember is elected to the balance of an unexpired term, such newly elected officer shall qualify and commence serving the balance of the unexpired term immediately upon the declaration of the result of the election by the city council and the administering of the oath of office.

Sec. 2-106. Sanctions.

The mayor or any councilmember who engages in willful, material violations of provisions of this charter shall be subject to sanction as follows: the Board of Ethics established pursuant to Section 2-508 of this charter shall, in addition to its authority to hear complaints arising under Chapter 5 of Article II of this charter, be empowered to hear complaints against the mayor or any councilmember alleging that such elected official has committed willful, material violations of this charter. If, after investigation and hearing, the Board of Ethics finds that an elected official has committed a willful, material violation of the charter, the Board of Ethics shall be empowered to recommend the appropriate sanction to the city council, which sanctions may include censure, suspension from office, or removal from office in accordance with section 2-107 of this charter.

Sec. 2-107. Removal.

- (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.
- (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
 - (1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing, which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
 - (2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the city.

Sec. 2-108. Recall.

The provisions and procedures pertaining to the recall of local officials who hold elected office set forth in Chapter 4 of Title 21 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted, shall constitute the recall provisions of the city.

Sec. 2-109. Oath of office.

The persons elected as mayor and councilmembers at such elections shall, on or before the first day of January following their elections, qualify by taking and subscribing before some officer authorized by law to administer oaths the following oath: "I, (NAME), do solemnly swear that I will honestly and faithfully perform the duties of East Point councilmember or mayor by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of the City of East Point and the common interest thereof. I further swear that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of

the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited; that I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; that I will support the Constitution of the United States and this state and observe the provisions of the charter and code of ordinances of the City of East Point. I further swear that I have been a resident of the City of East Point for the time required by the Constitution and laws of this state and the charter and code of ordinances of the City of East Point. So help me God or so I affirm." They shall file such oath with the city clerk, who shall spread the same upon the minutes of the meeting of the city council of East Point next following such filing, unless such oath is filed during a regular meeting then in session.

CHAPTER 2. LEGISLATIVE PROCESS

Sec. 2-201. Regular and special meetings.

- (a) Regular meetings of the city council shall be held at such time and place within the city as the city council shall fix by ordinance. Special meetings of the city council may be held on the call of the mayor and two councilmembers or on the call of three councilmembers. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance shall also constitute a waiver of notice of any business transacted in such councilmember's presence, unless such councilmember attends for the express purpose of objecting to the legality of the notice provided for the meeting and refuses to participate based upon such objection. In the event of an objection regarding the legality of the notice for the special meeting, the city attorney shall make the determination as to whether notice was properly given. Only the business stated in the call may be transacted at the special meeting.
- (b) The mayor, as presiding officer of the city council, shall have the authority to cancel a meeting of the city council on the grounds of an emergency. Notice of such cancellation shall be served on all councilmembers personally, or by telephone personally, as soon as practical after the emergency event. The mayor shall state the nature of the emergency and reschedule the city council meeting within a reasonable time, not to exceed ten days. Such notice to members shall not be required as to any member who is present when the emergency becomes apparent. Notice to the public shall be made as soon as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

Sec. 2-202. Investigations and inquiries.

Following the adoption of an authorizing resolution, the city council may make investigations and inquiries into the affairs of the city and the conduct of any department, office, or agency thereof and, for this purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued by the city council in the exercise of these powers shall be punished as provided by ordinance. The initiation and conduct of any investigations or inquiries by the city council under this charter provision shall not be deemed to constitute interference by the city council with the administration of the government by the city manager.

Sec. 2-203. Emergencies.

- (a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its

services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

- (b) Such meetings shall be open to the public to the extent required by law, and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

Sec. 2-204. Rules of procedure.

The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record. The mayor, as presiding officer, shall serve or otherwise designate the city attorney to serve as parliamentarian for the purposes of ruling on questions of procedure. The mayor or any councilmember may, at any time, question the city attorney as to procedural matters governing the meetings of council. The mayor may designate a police officer of the city to serve as sergeant at arms for the express purpose of maintaining the decorum or order at meetings of city council; however, it will remain within the sole discretion of the presiding officer to rule a councilmember out of order.

Sec. 2-205. Decorum.

It is the intent of this charter provision to encourage decorum, civility, and respect in city council debate. Towards that end, councilmembers shall aspire to the following standards of decorum:

- (1) In legislative debate, councilmembers shall, to the maximum extent possible, keep their remarks germane to the matter before the city council at that time; and
- (2) Councilmembers shall refrain from attacking the motives and character of other councilmembers participating in the debate.

It is not the intent of this provision to, in any way, hinder or impair the full and free expression of competing viewpoints in city council debate. Instead, it is the intent of this provision to foster citizen confidence in government through encouraging civil, respectful meetings.

Sec. 2-206. Quorum; voting.

Five councilmembers and the mayor or six councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal or by voting machine and recorded thereby, but any member of the city council shall have the right to request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of five councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

Sec. 2-207. Form of legislation.

- (a) Every official act of the city council having the force and effect of law shall be by ordinance. All other actions of the city council shall be by resolution.
- (b) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each ordinance which involves lengthy documents not included within the body of such ordinance shall include a reference to such documents.
- (c) No ordinance shall contain more than one subject matter, which subject shall be clearly expressed in the title of the ordinance.
- (d) The enacting clause shall be "Be it ordained by the city council of East Point...".
- (e) Any ordinance which repeals or amends an existing ordinance or part of the city code shall set forth the ordinance sections or subsections to be repealed or amended.
- (f) An ordinance may be introduced by any councilmember at any regular meeting of the city council or at any special meeting at which an ordinance may be lawfully considered and adopted.
- (g) Each ordinance shall be read by title at two different regular meetings of the city council unless such reading be waived by affirmative vote of no less than two-thirds (2/3) of the council members present at any meeting of the city council duly convened at which a quorum is present; provided, however, that any zoning ordinance, assessing ordinance, or any other ordinance requiring a public hearing shall not be finally adopted until after such ordinance has been properly advertised and a public hearing held thereon.

(Ord. No. 016-11, 8-1-11)

(016-11, § 1, 8-1-11)

Sec. 2-208. Processing of adopted legislation.

- (a) The city clerk shall authenticate by the clerk's signature and record in full, in a properly indexed book kept for that purpose, all ordinances adopted by the council.
- (b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of East Point, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a price fixed by applicable state law.
- (c) The city council shall cause each ordinance, each resolution, and each charter amendment to be printed promptly following its adoption, and the printed ordinances, resolutions, and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

CHAPTER 3. CITY MANAGER

(Supp. No. 112)

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Sec. 2-301. City manager appointment; qualifications; compensation.

The city council shall select and appoint a city manager for the city by an affirmative vote of a majority of all its members and fix such city manager's compensation. The city council may enter into an employment contract with the city manager upon such terms and conditions as, in their opinion, are in the best interest of the city; provided, however, that such employment contract shall not have a term of longer than four years. In the absence of an employment contract specifying otherwise, said appointment shall be for an indefinite term. The city manager shall be appointed solely on the basis of such city manager's executive and administrative qualifications. The city manager need not be a resident of the city but must reside in the state of Georgia during the time of appointment. On request, the city manager shall be eligible to participate in a pension plan for employees and shall have all of the benefits offered to all other employees of the city.

Sec. 2-302. Powers and duties of the city manager.

The city manager shall, subject to the policy control, direction, and supervision of the mayor and city council, be the head of the administrative branch of the municipal government of the City of East Point and responsible for the efficient administration of all departments of said municipal government. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief executive and administrative officer, the city manager shall:

- (1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable;
- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Assist the city council to develop long-term goals for the city and strategies to implement these goals;
- (11) Encourage and provide staff support for regional and intergovernmental cooperation;

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- (12) Promote partnerships among city council, staff, and citizens in developing public policy and building a sense of community; and
 - (13) Perform other such duties as are specified in this charter or as may be required by the city council.

Sec. 2-303. Deputy city manager.

The city manager shall appoint a deputy city manager who shall report to and assist the city manager in carrying out the functions, duties, and responsibilities of the city manager's office. The deputy city manager shall be subject to confirmation by the city council.

Sec. 2-304. Acting city manager.

By letter filed with the city clerk, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the city manager during his or her temporary absence or disability for a period not to exceed two weeks, if the deputy city manager is unable to perform these duties. When both the city manager and deputy city manager are unable to perform these duties for more than a two-week period, the city council shall appoint an acting city manager from among the department heads including the city attorney but specifically excluding the chiefs of police and fire departments.

Sec. 2-305. Removal.

Except where the city council has approved an employment agreement for the hiring of the city manager and such employment agreement provides for different procedures regarding the removal of the city manager, the city council may remove the city manager from office only in accordance with the following procedures:

- (1) The city council shall adopt by affirmative vote of two-thirds of its members a preliminary resolution which shall state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, the city manager may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply no later than five days before the hearing;
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of two-thirds of the council members at any time after the public hearing; and
- (4) The city manager shall continue to receive a salary until the effective date of a final resolution of removal.

***CHAPTER 4. RELATIONSHIP AMONG MAYOR, CITY COUNCIL, AND CITY
MANAGER.***

Sec. 2-401. Role delineation.

Based upon the firm belief that the proper, efficient, and effective administration and operation of the city's council-manager form of government will be fostered by a clear definition of the roles and responsibilities of the city council, mayor, and city manager, this charter provision states the following principles, which are intended to be fully consistent with this article:

- (1) The full and complete legislative and policy making authority of the city resides in the city council, and the city manager shall take no action which impinges upon or interferes with the city council's policy making role. Other than providing information relevant and germane to the city council's legislative deliberations, the city manager shall strive to remain a neutral party in such legislative deliberations. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor and councilmembers shall not solicit or accept any campaign contributions from any city employee;
- (2) The city manager is the chief executive officer of the city, and, as such, all department heads, except the city attorney and city clerk who are appointed by and report to the city council, report to the city manager. The mayor and city council shall observe the management authority of the city manager.
 - (A) The mayor and councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint;
 - (B) Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to Section 2-202 of this charter, the mayor and councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor nor any councilmembers shall give orders to any such officers or employees either publicly or privately;
 - (C) The mayor and city council shall not give directives to any city officers or employees, other than the city manager, city attorney, and city clerk, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services, operation, or administration of any department or function of city government. Although the mayor and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager shall be copied on all such communications;
 - (D) The mayor and councilmembers, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government; and
 - (E) It shall be prohibited for the mayor or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council; and
- (3) The mayor shall have no management authority or responsibility with respect to the operations and administration of city government; and
- (4) The mayor and city council, as elected officials, shall possess fundamental oversight duties and responsibilities with respect to all operations and administration of city government, and the city manager shall be responsible and duty bound to facilitate the mayor and city council's oversight

function. Once the city council has passed the operating and capital budgets of the city, it shall be the responsibility of the city manager to administer such budgets and to keep the mayor and city council fully informed as to the city's progress against such budgets. The city manager shall provide monthly financial updates on the budgets with year to date information, and such updates shall contain all material information necessary for the mayor and city council to evaluate the financial performance and condition of the city. However, once the city council has appropriated funds in the budget and encumbered such funds through subsequent legislative action, the city manager shall have the authority to administer such budget including contract administration and account payables as part of the management function.

CHAPTER 5. ETHICS

Sec. 2-501. Fiduciary responsibility.

Elected officials and appointed officers of the city are trustees and servants of the citizens of the city, have a fiduciary duty to such citizens, and shall act in accordance with their fiduciary responsibilities and duties for the benefit of such citizens.

Sec. 2-502. Conflicts of interest.

No elected official, appointed officer, or employee of the city or any board, commission, or authority to which this charter applies shall knowingly:

- (1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;
- (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;
- (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted, concerning the property, government, or affairs of the governmental body by which the official is engaged, without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;
- (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against the city or any portion of its government; or
- (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has financial interest.

Sec. 2-503. Disclosure requirements.

Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest, and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of the city or of any board, commission, or agency to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity and refrain from participation in any decision or vote relating thereto.

Sec. 2-504. Use of public property.

No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

Sec. 2-505. Voidable contracts.

Any violation of this chapter which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

Sec. 2-506. Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any councilmember shall hold any other elected or compensated appointed office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor and no former councilmember shall hold any compensated or appointed office in the city until one year after the expiration of the term for which such official was elected.

Sec. 2-507. Restrictions on certain political activities.

No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the city council either immediately upon election or at any time such conflict may arise.

Sec. 2-508. Board of ethics.

- (a) There is created a Board of Ethics consisting of nine members who shall be residents of the city.
- (b) Members of the Board of Ethics shall not be elected officials, full-time appointed officials, or city employees. Members of the Board of Ethics shall not serve on any other city board, commission, or authority. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one year period, any interest in any contract, transaction, or official action of the city.

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- (c) The mayor and each councilmember shall each designate one member to the Board of Ethics. Each member of the Board of Ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the Board of Ethics.
 - (d) Members of the Board of Ethics shall be appointed for a term to run concurrently with the appointing official. The board shall select its own presiding officer from among its members. All appointments to fill a vacancy shall be made in the same manner as the original appointment.
 - (e) The city council shall provide by ordinance the specific powers and duties of the Board of Ethics. The city council shall provide such staff support for the Board of Ethics as is determined to be necessary for the board to fulfill its duties.

ARTICLE III. ELECTIONS

Sec. 3-101. Wards.

The city is hereby divided into four wards to be designated respectively as Wards A, B, C, and D. The boundaries of these wards are set forth in legal descriptions that are set forth in Appendix I attached to this charter. Said appendix is incorporated herein as if fully set forth in this section.

Sec. 3-102. Reapportionment of wards.

Subject to the limitations of state and federal law, the city council shall apportion the wards of the city from which members of the city council are elected following publication of the 2010 United States decennial census and any such future census. Such reapportionment shall be effective for the election of members to the city council at the next regular general municipal election following the publication of the decennial census.

Sec. 3-103. Election of councilmembers and mayor.

- (a) *Election of councilmembers.* The eight councilmembers of the city council shall be elected as follows:
 - (1) *Ward councilmembers.* There shall be one councilmember elected from each of the four wards in the city. Each ward councilmember shall be a resident of the ward in which he or she seeks election and shall be elected exclusively by the qualified electors residing within each such ward at the place or places as the city council designates. The elections for the ward councilmembers shall be on the date of the general election and quadrennially thereafter. The terms of all regularly elected ward councilmembers shall be as set forth in section 2-105 of this charter.
 - (2) *At-large councilmembers.* There shall be four at-large councilmembers elected. One councilmember shall be a resident of Ward A, one councilmember shall be a resident of Ward B, one councilmember shall be a resident of Ward C, and one councilmember shall be a resident of Ward D, and each shall be elected by the qualified electors of the entire city at such place or places as the city council designates. The election for the at-large councilmembers shall be on the date of the general election and quadrennially thereafter. The terms of all regularly elected at-large councilmembers shall be as set forth in Section 2-105 of this charter.
- (b) *Election of mayor.* The election of the mayor shall be conducted on a city-wide basis held and elected exclusively by qualified voters in the entire city at such place or places as the city council designates. The election of the mayor shall next be conducted on the date of the general election. The term of the mayor shall be as set forth in section 2-105 of this charter.

Sec. 3-104. Special elections.

In the event that the office of mayor or any councilmember shall become vacant for any cause, the city council shall order a special election to fill the balance of the unexpired term of such official; provided, however, that, if the vacancy occurs within 12 months of the expiration of the term of that office, the city council shall appoint a successor for the remainder of the term.

Sec. 3-105. Conduct of elections.

Except as set forth in this charter, all regular and special city elections shall be held pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," or such other applicable laws as are or may hereafter be enacted.

Sec. 3-106. Nonpartisan elections.

All elections for the purpose of electing the mayor and members of the city council shall be nonpartisan, and no political party shall conduct primaries for the purpose of nominating candidates for municipal elections.

ARTICLE IV. ADMINISTRATION

Sec. 4-101. Administrative and operating departments.

- (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelected offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city. The exercise of the city council of the powers shall not be deemed to constitute interference with the management authority and responsibility of the city manager, and no provision contained in section 2-401 of this charter is intended to abridge or limit the city council's power as set forth in this charter.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.
- (e) All appointed officers and directors under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the city council. All appointed officers and directors shall be employees at-will and subject to removal or suspension at any time by the city manager, unless otherwise provided by law or ordinance.

Sec. 4-102. City attorney.

The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The

city attorney shall be responsible for providing for the representation and defense of the city in all litigation to which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, city manager, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney. The city attorney shall coordinate the handling of the day-to-day legal affairs of the city with the city manager but shall ultimately report to the city council.

Sec. 4-103. City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and shall impress documents with such seal when authorized, shall maintain city council records required by this charter, and shall perform such other duties as may be required by the city council. The city clerk shall coordinate the handling of the day-to-day affairs of the office with the city manager but shall ultimately report to the city council.

Sec. 4-104. City seal.

The city shall have a corporate seal that bears the words "The City of East Point, Georgia, Seal" and the figures "1887".

Sec. 4-105. Personnel policies and regulation.

The city council may adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected;
- (4) Such dismissal hearings as due process may require;
- (5) An employee retirement plan and adjustments to the retirement benefits of retired persons; and
- (6) Such other personnel policies as may be necessary to provide for adequate and systematic handling of personnel affairs.

Notwithstanding any other provision of this charter, all existing seniority rights of present officers and employees of said city are preserved and continued.

Sec. 4-106. Civil service board of appeals.

- (a) There is created a Civil Service Board of Appeals consisting of nine members who shall be residents of the city. The Civil Service Board of Appeals shall be empowered to hold hearings when requested by an employee of the city regarding proposed demotions, suspensions, dismissals, or other such actions and shall have such powers to dispose of such cases as shall be provided by ordinance.
- (b) Members of the Civil Service Board of Appeals shall not be elected officials, full-time appointed officials of the city, or employees of the city. Members of the Civil Service Board of Appeals shall not serve on any other city board or commission.
- (c) The mayor and each councilmember shall designate one member to the Civil Service Board of Appeals. Each member of the Civil Service Board of Appeals shall have been a resident of the city for at least one year

immediately preceding the date of accepting the appointment and shall remain a resident of the city while serving as a member of the Civil Service Board of Appeals.

- (d) Members of the Civil Service Board of Appeals shall be appointed for a term to run concurrently with the appointing official. The board shall select its own presiding officer from among its members. All appointments to fill a vacancy shall be made in the same manner as the original appointment.
- (e) The city council shall provide by ordinance the specific powers and duties of the Civil Service Board of Appeals and shall incorporate such board of appeals into the personnel policies and procedures of the city. The city council shall provide such staff support for the Civil Service Board of Appeals as is determined to be necessary for the board to fulfill its duties.

(Ord. No. 013-08, § 1, 4-21-08)

Sec. 4-107. Boards, commissions, and authorities.

- (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.
- (b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by state law.
- (c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (d) Except as otherwise provided by charter or by state law, no member of any board, commission, or authority shall hold any elected office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by state law.
- (f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the city clerk the oath of office required pursuant to section 7-102 of this charter.
- (g) No member of a board, commission, or authority shall serve on another board, commission, or authority of the city, unless one of the boards, commissions, or authorities is created to have a period of existence of less than one year.
- (h) No person who is a relative of the mayor or any councilmember shall be eligible to serve on a board, commission, or authority of the city. For purposes of this subsection, the term "relative" means a person who is related to the mayor or any councilmember as spouse or domestic partner or as any of the following, whether by marriage, blood, or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law. A domestic partner is defined to include any two people who are defined as living within the following criteria:
 - (1) Responsible for each other's welfare;
 - (2) Neither person is in a marriage "expressly recognized" by a legal definition;
 - (3) Neither person is registered in a union or domestic partnership with another party;
 - (4) Not related as defined by the State of Georgia;
 - (5) Share a primary residence; and

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- (6) Have declared their intent for a permanent partnership.
- (i) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair and one member as vice chair and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or state law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Each board, commission, or authority shall adopt the provisions of Chapter 5 of Article II of this charter as its rules of ethics; provided, however, that each such board, commission, or authority shall have the power and authority to adopt additional or more stringent ethical requirements. Copies of bylaws, rules, and regulations adopted by boards, commissions, and authorities of the city shall be filed with the city clerk.

Sec. 4-108. Municipal utility advisory commission.

- (a) *Creation.* There is hereby created and established the Municipal Utility Advisory Commission which shall consist of nine members.
- (b) *Appointments; terms; vacancies.* The mayor and each councilmember shall have an appointment to the commission. Any person so appointed shall be a resident of the city at the time of appointment and during the term of their service in office. Of the initial members appointed to the commission, three of the members shall be appointed for a term expiring two years after the organizational meeting of the commission; three members shall be appointed for a term expiring three years after the organizational meeting of the commission; and three members shall be appointed for a term expiring four years after the organizational meeting of the commission. Thereafter, all members shall be appointed for four-year terms. Members of the commission shall select one of its members as chairperson. Any vacancy on the commission, however created, shall be filled for the unexpired term in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualifications prescribed for membership.
- (c) *Powers and duties.* The commission shall study, evaluate, and review the operations and financial performance of any municipal utility owned by the city. The commission will report to the mayor, city council, city manager, and citizens of East Point on its findings and any recommendations that it has to improve the operations and financial performance of such utilities. All employees of the city shall cooperate with the commission in the performance of its official duties. The commission shall not have any operational, management, or governance authority over the municipal utilities but shall act in an advisory role.
- (d) *Assistance to the commission.* The city manager's office shall provide the necessary staff and assistance to the commission as required for the completion of its tasks.
- (e) *Organization of commission.* The mayor and city council shall make its appointments to this commission within 90 days of the effective date of this charter. The commission shall hold an organizational meeting no later than 180 days after the effective date of this charter. The commission shall establish a schedule or regular meetings, which shall occur no less frequently than quarterly, and shall adopt its rules of procedure.

ARTICLE V. FINANCE

CHAPTER 1. BUDGET AND ACCOUNTING

Sec. 5-101. Budget preparation and submission.

- (a) On or before the second regular meeting of city council during the month of April of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message so that city council can approve the budget by the first city council meeting in June.
- (b) The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year and financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, and include such other material as the city manager deems desirable.
- (c) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program purpose of activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures including debt service, for the ensuing fiscal year; and shall be so arranged so as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
 - (1) Proposed expenditures for current operations during the ensuing fiscal year detailed by offices, departments, and agencies in terms of their respective work programs and method of financing such expenditures;
 - (2) Proposed capital expenditures during the ensuing fiscal year detailed by offices, departments, and agencies, when practicable, and the proposed method of financing each such capital expenditure; and
 - (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total proposed expenditure shall not exceed the total of estimated income.

Sec. 5-102. Budget action.

- (a) *Notice and hearing.* The city council shall publish, in one or more newspapers of general circulation of the city, the general summary of the budget in a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public; and
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (b) *Amendment before adoption.* After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit; provided, however, that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- (c) *Adoption.* The city council shall adopt the budget on or before the first meeting of June. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the

budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Sec. 5-103. Budget amendment.

- (a) *Supplemental appropriations.* If, during the fiscal year, the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the city council may make emergency appropriations. Such appropriations may be made by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the city council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the city manager shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the city manager, and his or her recommendations as to any other steps to be taken. The city council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose, it may by ordinance reduce one or more appropriations.
- (d) *Transfer of appropriations.* At any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency. The city manager shall not transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another, unless such transfer has been approved by an ordinance enacted by the city council.
- (e) *Limitations; effective date.* No appropriation for debt service shall be reduced or transferred, and no appropriation shall be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 5-104. Capital budget.

- (a) On or before the date that is three months prior to the final date for submission of the budget, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in section 2-203.
- (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year on or before the first meeting of the city council in June of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

Sec. 5-105. Disclosure of unfunded capital projects.

The city council shall be required to disclose publicly by the attachment of an addendum to the capital budget adopted each year a listing of all capital projects set forth in the prior year budget that have not been funded by the city government.

Sec. 5-106. Fiscal controls.

- (a) *Separate fund accounting.* The city manager shall ensure that separate accounts and accounting are maintained by each fund of the city, including the general fund, the municipal utility fund, and all enterprise funds.
- (b) *Contingency and reserve account.* There shall be no expenditure of any funds from a contingency or reserve fund account, unless such expenditure has been approved by the council.
- (c) *Liquidation of city term investments.* There shall be no liquidation of city term investments, unless such liquidation has been approved by the council.

Sec. 5-107. Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

Sec. 5-108. Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the provisions of this section. Copies of annual audit reports shall be available at printing costs to the public.

CHAPTER 2. REVENUE AND TAXATION

Sec. 5-201. Tax levy.

The city council shall levy by ordinance such taxes as are necessary to provide for the operation, maintenance, support, and expenses of the city and its various functions and departments, including such taxes as are necessary for the payment of the principal and interest of the bonded indebtedness and related sinking funds of the city as the same shall become due and payable. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget and current year capital budget for defraying the expenses of the general government of this city.

Sec. 5-202. Property tax; millage rate limitation.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax shall not exceed 15 mills on each dollar of taxable value. This tax shall be for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 5-203. Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes. If unpaid, such taxes shall be collected as provided in section 5-209 of this charter.

Sec. 5-204. Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the reasonably estimated cost to the city of regulating the activity. If unpaid, such taxes shall be collected as provided in section 5-209 of this charter.

Sec. 5-205. Franchises.

- (a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.
- (b) If no franchise agreement is in effect, the city council shall have the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. If unpaid, such taxes shall be collected as provided in section 5-209 of this charter.

Sec. 5-206. Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city for the reasonably estimated cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in section 5-209 of this charter.

Sec. 5-207. Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such assessments shall be collected as provided in section 5-209 of this charter.

Sec. 5-208. Construction; other taxes and fees.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this chapter shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

Sec. 5-209. Collection of delinquent taxes.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, charges, assessments, or other revenue due the city under this chapter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking city permits for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

Sec. 5-210. Tax commissioner.

The city council may establish the position of tax commissioner of the city. The tax commissioner's duties and functions shall include the following: to receive tax returns, assess unreturned property and property returned at less than its fair market value after notice to the owner to return his or her unreturned property or correct his or her erroneous or false return and after affording such property owner an opportunity to be heard; collect all property taxes and promptly pay over the same to the city treasurer; equalize taxes; determine, subject to revision by the board of tax assessors, the value for taxation of all real and personal property subject to taxation within said city; seek out and return or cause unreturned properties to be returned and assessed for taxation from the best information that can reasonably be secured from the most reliable sources as determined by the tax commissioner; issue and file for record on the general execution docket tax fi. fas. for taxes not paid when due; and proceed at once to collect same by placing such fi. fas. in the hands of the city marshal for prompt collection by levy and sale, and such tax commissioner may sue at law or in equity for such taxes; provided, however, that such tax fi. fas. may be sold and transferred by the city marshal for the full amount of taxes and accrued interest and costs. Said commissioner shall perform such other duties as may be incidental to his or her office or the duties hereof and such others as may be required by ordinance. The city council may contract with the Fulton County Tax Commissioner to authorize such official to exercise such powers of the city tax commissioner as are permitted and necessary to assess and collect city ad valorem taxes.

Sec. 5-211. Tax exemptions.

Exemption for elderly and disabled residents.

Each resident of the city who is 70 years of age or older or who is disabled shall be granted an exemption from all ad valorem taxes levied for city government purposes, including ad valorem taxes levied to pay interest on and retire bonded indebtedness of the city government, for the full value of the homestead owned and occupied by such resident if such resident's adjusted gross income, together with the adjusted gross income of the resident's spouse who also resides at such homestead, does not exceed the maximum amount which may be received by an

individual and an individual's spouse under the federal Social Security Act. As used in this subsection, the term "adjusted gross income" shall have the same meaning as defined in the United States Internal Revenue Code of 1986, except that for the purposes of this subsection, the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act. The homestead exemption provided for in this Act shall not apply to any state ad valorem taxes or to any ad valorem taxes levied for the Fulton County School District. In order to qualify for the exemption for disabled residents provided for in this subsection, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., or such applicable laws as are or may be hereafter enacted, certifying that in the opinion of such physician or physicians, such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. A person shall not receive the homestead exemption granted by this section unless the person or person's agent files an affidavit with the tax commissioner giving the person's age or, if disabled, the certificate or certificates required by this section and the amount of income which the person and the person's spouse received during the last taxable year for income tax purposes and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose. After a person has filed the proper affidavit and certificate or certificates, if disabled, as provided in this subsection, it shall not be necessary to make application and file the said affidavit and certificate thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any such person to notify the tax commissioner in the event such person becomes ineligible for any reason to receive the homestead exemption granted by this subsection. The homestead exemption granted by this subsection shall be cumulative of any other homestead exemption applicable to the city's ad valorem taxes. The homestead exemption granted by this subsection shall be a restatement and continuation of the homestead exemption created by Ga. L. 1994, p. 5048.

CHAPTER 3. BORROWING

Sec. 5-301. General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Sec. 5-302. Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provided. Such bonds shall be paid out of any revenue produced by the project, program, or venture for which they were issued.

Sec. 5-303. Short-term loans.

The city may obtain short-term loans and shall repay such loans no later than December 31 of each year, unless otherwise provided by law.

Sec. 5-304. Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided that the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts shall be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

CHAPTER 4. PROCUREMENT AND DISPOSAL OF PROPERTY

Sec. 5-401. Contracting procedures.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review;
- (3) It is reviewed as to substance by the city manager or the director of the department most affected by the contract, signed by the city manager or director of such city department to indicate approval as to substance of the contract, and is signed by the mayor; and
- (4) If it involves the expenditure of more than \$25,000.00, it is authorized by the city council, and such approval is entered in the city council journal of proceedings.

Sec. 5-402. Centralized purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city, including comprehensive bidding procedures for the purchase of assets and the award of contracts; provided, however, that unless otherwise required by law, purchases or contracts involving the expenditure of more than \$25,000.00 shall require city council approval.

Sec. 5-403. Sale and lease of city property.

- (a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to sell and convey said cutoff or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances

heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VI. MUNICIPAL COURT

Sec. 6-101. Municipal court.

There shall be a court to be known as the Municipal Court of the City of East Point. The municipal court shall be convened at regular intervals as provided by ordinance.

Sec. 6-102. Chief judge; assistant judges.

- (a) *Judges.* The municipal court shall be presided over by a chief judge and such assistant judges as shall be provided by ordinance.
- (b) *Qualifications.* No person shall be qualified or eligible to serve as a judge on the municipal court unless that person:
 - (1) Has been licensed to practice law in the State of Georgia for at least five years prior to appointment;
 - (2) Is a member in good standing of the State Bar of Georgia at the time of his or her appointment; and
 - (3) Is a resident of Fulton County at the time of and during their appointment.

All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

- (c) *Compensation.* The judges shall receive compensation and expenses for their service as provided by ordinance.
- (d) *Terms.* Judges shall be appointed by the city council for a term of four years and shall be authorized to serve in office until such judge's successor shall be appointed and qualified.
- (e) *Oath.* Before assuming office, each judge shall take the oath of office required pursuant to section 7-102 of this charter.

Sec. 6-103. Jurisdiction; powers.

- (a) *Violations of city ordinances and other laws.* The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law; provided, however, that the municipal court shall not impose any punishment of imprisonment, probation, or other loss of liberty, nor any fine, fee, or cost the nonpayment of which is enforceable by imprisonment, probation, or other loss of liberty under this charter or under any county or other general law unless the municipal court provides to those persons accused of a criminal offense the right to representation by a lawyer and provides to those indigent persons who are accused of a criminal offense the right to representation by a lawyer at no cost to the accused.
- (b) *Contempt.* The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) *Punishment.* The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment. The municipal court shall have the power to impose such fines, periods of imprisonment, or alternative sentencing as may now or may hereafter be provided by law.

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- (d) *Schedule of fees.* The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and casemaking of prisoners bound over to superior courts for violations of state law.
 - (e) *Bail.* The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
 - (f) *Production of evidence.* The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
 - (g) *Subpoenas.* The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of subpoenas and summonses, which may be served, as executed by any officer as authorized by this charter or by law.
 - (h) *Warrants.* Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

Sec. 6-104. Appeals from municipal court.

The right to appeal the decisions and judgments of the municipal court shall exist in all criminal cases and ordinance violation cases, and such appeals shall be made to the Superior Court of Fulton County under the laws of the State of Georgia that govern the making of appeals from municipal courts.

Sec. 6-105. Rules of court.

The chief judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE VII. GENERAL PROVISIONS

Sec. 7-101. Reserved.

Sec. 7-102. Oath.

All persons appointed as city managers, city attorneys, and city clerks appointed by the city council; all chief and associate judges of the municipal court; and all individuals appointed to serve on boards, commissions, and authorities created by the city council shall, prior to taking such offices, qualify by taking and subscribing before

some officer authorized by law to administer oaths the following oath: "I, (name), do solemnly swear and affirm that I will honestly and faithfully perform the duties of (position) of the City of East Point. I further swear that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state from which I am by the laws of the State of Georgia prohibited; that I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; that I will support the Constitution of the United States and this state and observe the provisions of the charter and code of ordinances of the City of East Point. So help me God or so I affirm."

Sec. 7-103. Existing ordinances.

- (a) All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter shall be declared valid and of full effect and force until amended or repealed by the city council.
- (b) Within six months after the adoption of this charter, the city council shall provide for the review of all ordinances, resolutions, rules, and regulations of the city and shall readopt, repeal, or amend each so that a remodification, as required by subsection (b) of Section 2-208 of this charter, is accomplished.

Sec. 7-104. Existing personnel.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 90 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

Sec. 7-105. Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

Sec. 7-106. Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

Sec. 7-107. Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

Sec. 7-108. Repealer.

An Act incorporating the City of East Point in the County of Fulton, approved August 19, 1912 (Ga. L. 1912, p. 862), shall be repealed in its entirety and all acts of the General Assembly or of the city council that amended the act that incorporated East Point in 1912 shall also be repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

Sec. 7-109. Effective date.

This charter shall become effective on July 1, 2007.

APPENDIX I.

The City of East Point shall be divided into four wards, to wit: Wards A, B, C, and D, which are more particularly described as follows:

(1) *Ward A:*

Fulton County, Georgia

Census Tract 112.01

Blocks 2000 through 2029

Blocks 3011 through 3013, 3033 through 3036

Census Tract 112.02

Blocks 1000 through 1013

Blocks 2000 through 2013

Blocks 3000 through 3039

Blocks 4000 through 4018

Blocks 5000 through 5015

Blocks 6000 through 6020

Census Tract 113.01

Blocks 1000 through 1012,1015, 1016

Blocks 5000 through 5002, 5006 through 5008

Blocks 6000 through 6010

Census Tract 113.03

Blocks 5003,5005, 5006, 5012

(2) *Ward B:*

Fulton County, Georgia

Census Tract 108.00

Blocks 3079 through 3089, 3095 through 3097, 3099

DIVISION I. - CHARTER AND RELATED LOCAL LAWS
APPENDIX I.

Blocks 3100

Census Tract 110.00
Blocks 1000 through 1015
Blocks 2000 through 2013, 2016 through 2018
Blocks 3000 through 3025

Blocks 4000 through 4016

Census Tract 111.00
Blocks 1000 through 1033
Blocks 2000 through 2043

Blocks 3000 through 3018

Census Tract 112.01
Blocks 1000 through 1022

Blocks 3000 through 3010, 3014 through 3032

Census Tract 123.00
Blocks 1000
Blocks 2000

Blocks 3000 through 3046, 3048, 3050 through 3060

(3) *Ward C:*

Fulton County, Georgia

Census Tract 113.01
Blocks 1013,1014
Blocks 2000 through 2009
Blocks 3000 through 3010
Blocks 4000 through 4015
Blocks 5003 through 5005, 5009 through 5012

Blocks 6011,6012

Census Tract 113.03
Blocks 1000 through 1009, 1024
Blocks 2000 through 2014
Blocks 3000, 3001
Blocks 4000 through 4007

Blocks 5000 through 5002, 5004, 5007 through 5011

(4) *Ward D:*

DIVISION I. - CHARTER AND RELATED LOCAL LAWS
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Fulton County, Georgia

Census Tract 103.04

Blocks 2002, 2003, 2005, 2006, 2008 through 2010, 2074, 2076, 2077, 2079, 2080

Blocks 2116

Census Tract 105.11

Blocks 1000 through 1011, 1014, 1017

Census Tract 113.03

Blocks 1010 through 1023

Blocks 2015

Blocks 3002 through 3012

Census Tract 113.05

Blocks 1000 through 1020

Blocks 2000 through 2020

Blocks 3000 through 3014, 3016

Census Tract 113.06

Blocks 1000 through 1010, 1013 through 1030, 1035, 1037

Blocks 2000 through 2007, 2009 through 2017, 2022 through 2024, 2026, 2027, 2034, 2040

(Ord. No. 039-07, § 11-19-07; Ord. No. 009-11 [018-11], § 2(Exh. A), 6-20-11)

CHARTER DISPOSITION TABLE

This table contains a listing of legislation, either Laws of the Georgia General Assembly or ordinances of the city, which amend the 2007 City of East Point Charter enacted by Act No. 174 of 2007 Georgia General Assembly.

Ordinance Number	Date	Section	Section this Charter
028-07	6-18-07	1	4-106
039-07	11-19-07		App. I, (4)
09-11 [018-11]	6-20-11	2(Exh. A)	App. I
016-11	8-1-11	1	2-207